UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/462,761	01/12/2000	RISTO MAKIPAA	99.922	5482

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ART UNIT	PAPER NUMBER
2662	

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _07-06-2004_.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _26-38_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _26-38_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This office action is in response to the amendment filed 7/6/04. Claims 1-25 were

canceled. Claims 26-38 are pending in the instant application.

Claim Objections

2.   Claims 28 and 32 are objected to because of the following informalities:

Re claim 28, "in claim 25" in line 1 should be replaced with - - in claim 25 - -.

Re claim 32, the claim is objected to under 37 CFR 1.75(c) as being in improper form

because a multiple dependent claim are listed.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form

the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
patent by another filed in the United States before the invention by the applicant for patent, except that an
international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
subsection of an application filed in the United States only if the international application designated the United
States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 26-38 are rejected under 35 U.S.C. 102(e) as being unpatentable over Coleman et

al (U.S 5732214), hereinafter referred to as Coleman.

Re claim 26, Coleman discloses a method for providing a customer with service

information via a terminal connected to a telecommunication network (abstract), the

method comprising: multiplexing a plurality of service data in a frame format for service

transmission (Fig. 1, col. 5, lns. 60-col. 6, lns. 16), whereby Interactive Program Guide

(IPG) of the services are located in at least one frame of the multiplexed frames (*IPG*

packet is multiplexed with the data packets for the different services, col. 5, lns. 65-col. 6,

lns. 7); forming selection data for the selection of the service on the basis of the IPG

packet data located in the service multiplex (*IPG packet provides a user with the*

selection menu such as scheduling, titles, and time of event of programs, col. 6, lns. 18-

48); and transmitting the selection data based on the IPG packet data separately (*IPG*

packets are transmitted in separate time slots and a customer receives a IPG packet data

before the actual service data, col. 22, lns 37-40) without the actual service data of the

service multiplex (*the actual service data will be available once a customer pushes a*

select or view button from the selection menu, col. 23, lns 17-19), to the customer

terminal for displaying the selection data (*the IPG packet data is multiplexed separately*

from the various service packets provided, Fig. 1, col. 5, lns. 60-col. 6, lns. 16).

Re claim 27, Coleman discloses transmitting the selection data to the customer terminal

via a different network than the service multiplex is transmitted. The various services

arrive from different networks (Fig. 1, '10' and '12').

Re claim 28, Coleman discloses creating a service directory from said IPG packet data,

which service directory comprises the selection data and presents the services on a

display unit (col. 6, lns. 18-29).

Re claim 29, Coleman discloses compiling a separate service directory on the basis of

said identification and control data and transmitting said service directory to the display

unit in response to said display unit connecting to a telecommunication network (col. 6, lns. 30-48).

Re claim 30, Coleman discloses compiling service directory from the identification and control data of several multiplexed frames comprising a plurality of services (col. 6, lns. 18-48).

Re claim 31, Coleman discloses compiling service directory from the identification and control data of several multiplexed frames comprising a plurality of services (the system periodically receives updates of the IPG packets to update the directory, col. 14, lns. 23-45).

Re claim 32, Coleman discloses updating service directory continuously to servers operating in the telecommunication network in accordance with the predetermined multiplexed services and transmitting said directory service to the display unit in response to said display unit establishing a connecting to said telecommunication network (col. 14, lns. 23-45).

Re claim 33, Coleman discloses comprising in response to the user selecting a service displayed on the display unit determining the telecommunication network, which is the most suitable for delivering the service (determine which of service packets 1-N delivering various services the system should select) and delivering the service selected by the user from the transmitting address to the receiver via said determined telecommunication network (Fig. 1, col. 5, lns. 60-col. 6, lns. 16).

Re claim 34, Coleman discloses routing the selected service from the transmitting address to the receiver automatically on the basis of said identification and control data of the

multiplexed frame (Fig. 1 and Fig. 2, the services are routed across the communications

network to the receiver).

Re claim 35, Coleman discloses a terminal of a telecommunication network, which is

arranged to receive selection data regarding a plurality of service data of a service

provider for selecting a service to be transmitted to said terminal in a multiplexed form

and display the selection data of the service (col. 19, lns. 57-col. 20 lns. 4), which

selection data is formed from the IPG packet located in the multiplexed service data

frames (*IPG packet is multiplexed with the data packets for the different services*, col. 6,

lns. 5-7), and which selection data has been transmitted separately (*a customer receives a

IPG packet data before the actual service data,* col. 22, lns 37-40), without the actual

service data of the service multiplex (*the actual service data will be available once a

customer pushes a select or view button from the selection menu,* col. 23, lns 17-19),

Re claim 36, Coleman discloses a terminal arranged to receive the selection data via a

different network than the service multiplex is transmitted (Fig. 1, the IPG packets and

services are received from different networks).

Re claim 37, Coleman discloses a terminal arranged to receive the service directory

comprising the selection data and formed from the identification and control data (Fig. 1,

col. 6, lns. 18-30).

Re claim 38, Coleman discloses a terminal, wherein the terminal is a television or a

computer (col. 6, lns. 18-20).

Response to Arguments

5.   Applicant's arguments filed 7/6/04 have been fully considered but they are not

persuasive.

- In response to applicant's first argument on pages 5-6, Applicant argues that Coleman

  does not disclose the same ordering phases as in the claimed invention. However, it

  is noted that the features upon which applicant relies (i.e., ordering of phases) are not

  recited in the rejected claim(s). Although the claims are interpreted in light of the

  specification, limitations from the specification are not read into the claims. See *In re*

  Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, the

  argument made on the order of phases has not been considered to the patentability of

  the invention.

- In response to applicant's second argument on page 6, Applicant argues that Coleman

  does not disclose a selection menu which is formed on the basis of identification and

  control data of the program multiplex. However, Examiner respectfully disagrees.

  IPG packet identifies different service types provided by service providers by

  referring to program titles (identification data of the program) and time of event of

  programs (control data) and allows a user to select a particular program (movies,

  sports, news). Therefore, the Examiner concludes that the rejection of claims 26-38

  stands rejected.

Conclusion

6.   This is an RCE of applicant's earlier Application No. 09462761. All claims are drawn to

the same invention claimed in the earlier application and could have been finally rejected

on the grounds and art of record in the next Office action if they had been entered in the

earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a

first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension

of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no, however, event will the statutory period for reply expire later than

SIX MONTHS from the mailing date of this final action.

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Hong Cho whose telephone number is 571-272-3087.

The examiner can normally be reached on Mon-Fri during 7 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-3088.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

Hong Cho
Patent Examiner
11-22-2004

RICKY NGO
PRIMARY EXAMINER